IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

P.I.L.Writ Petition No. 518 2007

K.S. Rautela s/o N.S. Rautela,
"Ashirwaad", Nainital 263002 ……. Petitioner

Versus

1. Commissioner, Kumaon Division, Nainital
2. Kamal Jagati s/o Sri N.P.Jagati
   r/o Haiddinglay Cottage,
   Zila Parishad Road, Tallital, Nainital.
3. The Secretary,
   Nainital Lake Zone Special Area
   Development Authority,
   Nainital, Uttarakhand ……. Respondents

…….

Sri Arvind Vashistha, Advocate for the petitioner.
Sri J.P.Joshi, C.S.C. for respondent no. 1.
Sri Sharad Sharma, Advocate for respondent no. 2.
None for respondent no. 3.

JUDJMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C.J. (Oral)

Sri Arvind Vashistha, Advocate for the petitioner.

Sri J.P. Joshi, Chief Standing Counsel for respondent no. 1.

Sri Sharad Sharma, Advocate for respondent no. 2

None for respondent No. 3.

2. Sri Arvind Vashistha, the learned counsel for the petitioner, seeks permission to withdraw the writ petition with the liberty of raising objection about the want of jurisdiction before the appellate authority itself i.e. Commissioner, Kumaon Division, Nainital.

3. Permission granted.

4. With the above liberty, the writ petition is dismissed as withdrawn.

5. It goes without saying that if such an objection is raised by the petitioner before the appellate authority, the said objection shall be considered and decided at the earliest and in any case within a period of two weeks from filing of the objection.

(J.C. S. Rawat, J) **(Rajeev Gupta, C.J.)**
11.05.2007 11.05.2007

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